

REMARKS

I. Status

The Office Action indicates claims 1, 3, and 5-8 to be pending in this Application. With this response, claims 12-23 are added, and claims 1 and 3 are amended. No new matter has been added.

Claims 1 and 3 are rejected under 35 U.S.C. 112, first paragraph.

A duplicate claims warning is issued for claims 1, 3, and 5-8.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takayasu (U.S. Patent Application Publication No. 2001/0025265) in view of Calo (U.S. Patent Application Publication No. 2002/0087454).

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takayasu in view of Calo and Tsagarakis (U.S. Patent Application Publication No. 2002/0087455).

Claims 1 and 3 are independent.

II. Rejection under 35 U.S.C. 112

The Office Action rejects claims 1 and 3 under 35 U.S.C. 112, first paragraph, the Office Action stating that:

“[c]laims 1 and 3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The ‘establishing the foreign currency as a stock’ in claim 1

and ‘listing the foreign currency as a stock’ is not found in Applicant’s Specification”
(see Office Action p. 2).

The Applicant respectfully disagrees. Nevertheless, to facilitate prosecution the Applicant herewith amends claims 1 and 3 as further discussed below.

The Applicant respectfully submits that claims 1 and 3, at least with the amendments herewith, are in compliance with 35 U.S.C. 112, and respectfully requests that the rejection be withdrawn.

III. Duplicate Claims Warning

In view, for instance, of MPEP 706.03(k), as none of claims 1, 3, and 5-8 are indicated to be in condition for allowance the Applicant understands the Office Action to issue a duplicate claims warning rather than a duplicate claims objection.

With this understanding, the Applicant respectfully does not further address the warning at this time.

IV. Amendment of Independent Claims 1 and 3, and Addition of Dependent Claims 12-23

With this response, the Applicant amends independent claims 1 and 3, and adds dependent claims 12-23. No new matter has been added.

The Applicant respectfully submits that the cited references, taken individually or in combination, fail, for example, to disclose, teach, or suggest:

“... establishing the foreign currency as a stock on a stock exchange, wherein the stock comprises a number of units of the foreign currency offered for trade in terms of a native currency of the stock exchange ...”

as set forth in claim 1 as amended herewith.

As another example, the cited references, taken individually or in combination, fail to disclose, teach, or suggest:

“... wherein the stock comprises a number of units of Japanese Yen offered for trade in terms of United States Dollar”

as set forth in claim 12, or

“... wherein the stock is given a name USJP”

as set forth in claim 13.

As additional examples, the cited references, taken individually or in combination, fail to disclose, teach, or suggest that which is set forth in claims 14-17.

Such functionality is discussed, for instance, via page 5 - page 6 of the disclosure of the present application:

“[a] first step in allowing an existing stock exchange to handle the exchange of one or more foreign currencies may be to present each of the currencies in a form compatible with this quotation mechanism. According to embodiments of the present invention, this may be achieved through the establishment of ‘exchange shares’ (step 101). In certain embodiments of the invention, an exchange share represents a predetermined number of units of a foreign currency to be offered for trade in terms of the native currency of a stock exchange. In some cases, the name of the exchange share may incorporate the ISO 3166-1 two-letter country codes relating to the foreign and/or native currencies. Thus the name might be a four letter code, the first two letters being the ISO country code for the native currency and the last two letters being the ISO country code for the foreign currency.

For example, a particular exchange share may represent 1000 Yen to be listed on the NASDAQ exchange in terms of the native currency of the exchange, the U.S. Dollar. If ISO country codes were employed in nomenclature, this exchange share might be given the name ‘USJP,’ where ‘US’ and ‘JP’ are the ISO codes for the United States and Japan respectively.

In this way, an exchange share could be established for each foreign currency that was to be listed on a particular exchange. For example, if it were desired to list the currencies of Japan, Canada, and Europe (ISO codes ‘JP,’ ‘CA,’ and ‘EU’ respectively) on an exchange whose native currency was the U.S. Dollar (ISO country code ‘US’), the following exchange shares might be established:

USJP USCA USEU

Once defined, exchange shares could be presented on current stock exchanges using their existing quotation mechanisms” (emphasis added).

Moreover, with reference, for instance, to the above-discussed the Applicant respectfully submits that the cited references, taken individually or in combination, fail, for example, to disclose, teach, or suggest:

“... listing the foreign currency as a stock on a stock exchange, wherein the stock comprises a number of units of the foreign currency offered for trade in terms of a native currency of the stock exchange ...”

as set forth in claim 3 as amended herewith.

Further with reference, for instance, to the above-discussed the Applicant respectfully submits that the cited references, taken individually or in combination, fail, for example, to disclose, teach, or suggest:

“... wherein the stock comprises a number of units of Japanese Yen offered for trade in terms of United States Dollar”

as set forth in claim 18, or

“... wherein the stock is given a name USJP”

as set forth in claim 19.

Additionally with reference, for instance, to the above-discussed the Applicant respectfully submits that the cited references, taken individually or in combination, fail, as additional examples, to disclose, teach, or suggest that which is set forth in claims 20-23.

In view of at least the foregoing, the Applicant respectfully submits that claims 1 and 3 at least with the amendments herewith, as well as those claims that depend therefrom, are in condition for allowance.

V. Dependent Claims

The Applicant does not believe it is necessary at this time to further address the rejections of the dependent claims as the Applicant believes that the foregoing places the independent claims in condition for allowance. The Applicant, however, reserves the right to further address those rejections in the future should such a response be deemed necessary and appropriate.

(Continued on next page)

CONCLUSION

The Applicant respectfully submits that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

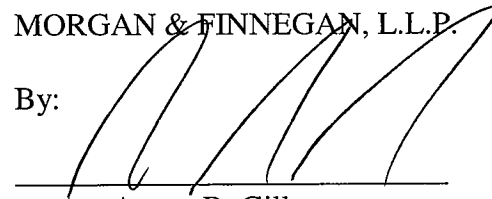
The Commissioner is hereby authorized to charge any fees which may be required for this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 3892-4003.

Furthermore, in the event that a further extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

By:

A handwritten signature in black ink, appearing to read 'Angus R. Gill', is written over a horizontal line.

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